

To: MICHAEL MCATEER

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Mike,

In a phone call on Friday, May 19 between you and I and Wendy Carney, the question was raised concerning RCRA LDRs in reference to the sediments in Dead Creek. You asked Solutia to take a look at the LDR "ten times" rule to determine if the sediments would likely exceed the UTSs after applying this rule. As I understand the "ten times rule", it provides for multiplying the UTS by ten when assessing whether a "contaminated media" triggers the regulation, vs. a "waste" material, whose concentration parameters must be compared to the actual UTS. You also suggested that the TCLP results for metals could be estimated at one-twentieth the actual concentration and then this resultant number compared to ten times the UTS (i.e. actual sediment concentration compared to 200 times the UTS). You requested in the May 19 call that Solutia respond to USEPA as to whether there still appeared to be a concern with the potential for exceeding the LDRs after this analysis.

In the attachment, the unvalidated actual metals concentrations from the sediment sampling work recently completed pursuant to the January 21, 1999 Sauget Area I AOC, is compared to both 10 times and 200 times the UTS for each constituent. Although this is a very rough analysis, the attached results suggest the possibility that the metals concentration in the sediments could trigger the LDR issue if the RCRA regulation was - contrary to Solutia's position - judged applicable with respect to the Removal Action. Of particular concern, lead and zinc results exceed 200 times the UTS in all samples from all segments.

It is also significant to note that the 23 page, January 5, 2000 Sauget Area I Creek Segment B and Site M Removal Action Alternatives Analysis comprehensively compared on-site containment of the sediments with off-site disposal and off-site incineration. This analysis concluded that on-site containment, "...provides the same level of protection of public health and the environment as off-site incineration and off-site disposal". The Alternatives Analysis also concluded that on-site containment was not only protective, but provided the significant additional benefits of, "...a cost effective removal action that will meet the public's desire for action". As we have both been frequently reminded by Mayor King of Cahokia, the public is eager to protectively deal with the contaminated sediments so that the significant area stormwater management and flooding issues can be addressed comprehensively and expeditiously.

Mike Light



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